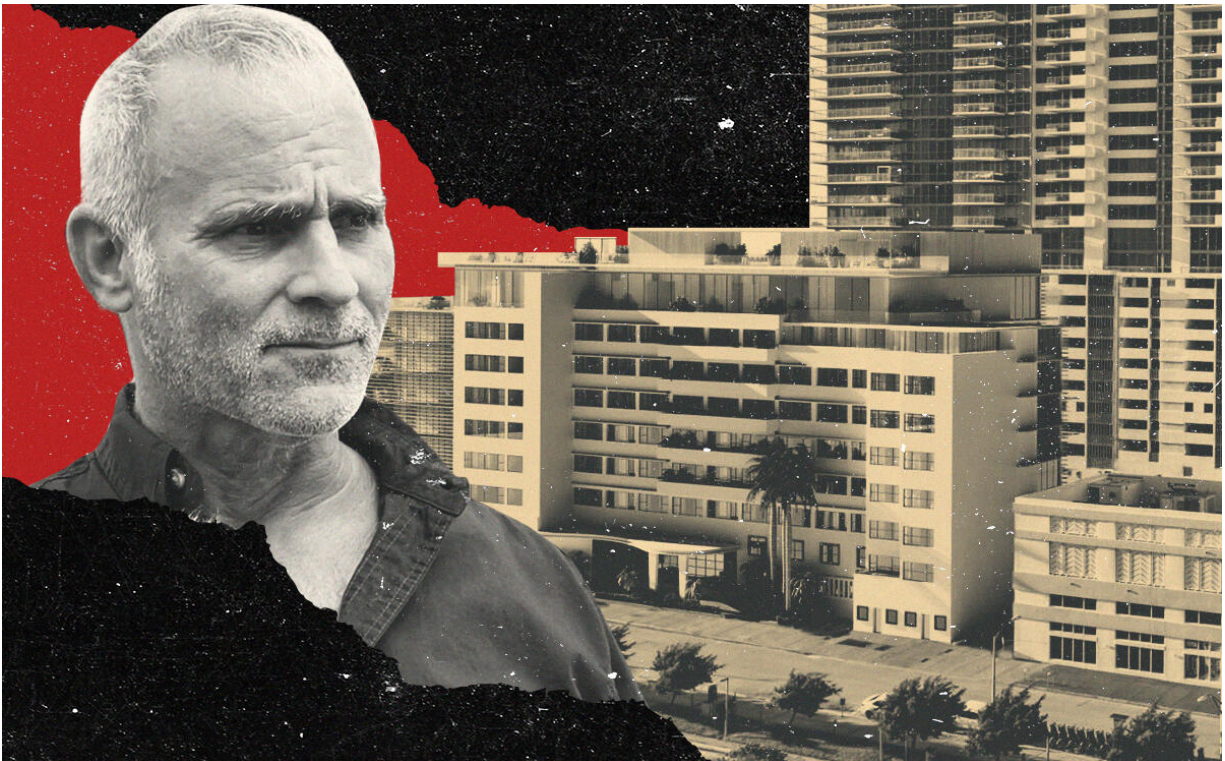


Lawsuit targets Miami Beach deal with Bulgari hotel developers

Mitch Novick alleges agreement involving public right-of-way for Seagull Hotel project required voter approval

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By Francisco Alvarado



Mitch Novick with rendering of Bulgari hotel (Mitch Novick, Bulgari Hotel and Resorts, Getty)

Miami Beach's deal to hand over a public right-of-way to the Bulgari hotel developers violated the city charter, a recent lawsuit alleges.

The lawsuit, filed against the city of Miami Beach in Miami-Dade Circuit Court two weeks ago, claims government officials unlawfully sold the public right-of-way for \$7.4 million so the developer could increase the footprint of the proposed luxury branded project at 100 21st Street.

The plaintiff, Mitchell "Mitch" Novick, a city activist who owns the Art Deco Sherbrooke Hotel at 901 Collins Avenue, alleges the city charter required voters to approve the sale.

Bulgari partnered with Blue Horizon Group, led by CEO Nabil Kobeissi, to transform the former 178-room Seagull Hotel into the luxury jeweler's first U.S. hotel. Blue Horizon paid **\$120 million** for the property in 2020. The

joint venture is not a party to Novick's complaint, and its attorney, Carter McDowell, declined comment.

Novick and a city spokesperson did not immediately respond to requests for comment.

Last year, Bulgari and Blue Horizon won city approval to add 13,500 square feet of developable land by incorporating the public right-of-way in the proposed site plan. By increasing the project's floor area ratio, Bulgari and Blue Horizon can add two floors to the existing seven-story building. In exchange, the developers agreed to pay the city \$7.4 million.

Completed in 1950, the Seagull's design is a mix of Art Deco and Miami Modern, or MiMo, architecture styles. The joint venture plans to enlarge the hotel's suites by reducing the number of rooms to 100. It will also feature a restaurant and bar from Chef Niko Romito. The Bulgari is slated to open in 2024.

The right-of-way, which provides the public with direct access to the beach, is actually city-owned waterfront property, requiring voter approval for any sale or conveyance to a private party, Novick's lawsuit states. Novick claims he regularly walks on a sidewalk that is part of the right-of-way to get to the sand and ocean, and intends to continue to do so.

Novick is a vocal critic of the city's handling of crime and mayhem on **Ocean Drive**. He recently came up short in his bid for an open city commission seat in a special election this month. Novick finished fourth in a five-candidate race, garnering 9 percent of the vote.

In 1935, an entity called Oxford Garden conveyed the sliver of land to Miami Beach, Novick's lawsuit states. A copy of the deed is attached to the complaint. In August, after the city ceded control of the right-of-way to the developers, the joint venture created a unified site, other

property records attached to the suit as exhibits show.

This is the second legal challenge aimed at derailing Bulgari's proposed development. Last year, the Nakash family, owners of the nearby **Setai Miami Beach**, and the condo-hotel's association filed two lawsuits against the city of Miami Beach and the joint venture. One of the lawsuits alleged Miami Beach officials improperly granted zoning amendments for the Bulgari project.

In June, Miami-Dade Circuit Judge Maria de Jesus Santovenia granted final judgment in favor of the city and the Bulgari partnership, court records show. The other complaint is still pending.